

DATE: October 25, 2022

**EXHIBIT B - DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR GREENVIEW ESTATES (CRISP) VESTING TENTATIVE TRACT MAP
(SUB2021-00013/TR 3073)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AIR QUALITY (AQ)

- AQ-1 Construction Equipment Reduction Techniques.** During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel

California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
- b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website:
www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2

Fugitive Dust Control Measures. During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

- a. Reduce the amount of disturbed area where possible.
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.

- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
- e. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
- j. "Track out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code (CWC) Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
- l. All PM₁₀ Mitigation Measures required should be shown on grading and building plans.

The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the Mitigation Measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress

(for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring: AQ-1 and AQ-2 are required with construction or grading permits. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1 Biological Monitor. Prior to approval of tract improvement plans, the applicant shall retain a County-approved biological monitor. The monitor shall be responsible for:

- a. ensuring that procedures for verifying compliance with environmental mitigations are implemented;
- b. establishing lines of communication and reporting methods;
- c. conducting compliance reporting;
- d. conducting construction crew training regarding environmentally sensitive areas and protected species (see BIO-2);
- e. facilitating the avoidance of special-status plants, as feasible;
- f. maintaining authority to stop work; and
- g. outlining actions to be taken in the event of non-compliance.

The use of heavy equipment and vehicles shall be limited to the proposed project work area, existing roadways, and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with visible flagging prior to Project initiation.

Monitoring shall be conducted daily during the initial disturbances (site clearing including vegetation removal, initial grading, and driveway installation) and be reduced to weekly following initial disturbances or a frequency and duration determined by the applicant in consultation with the County.

The applicant shall submit a copy of the approved contract with the biological monitor for the project to include the scope of work that includes the requirements above. **The biological monitor shall provide reports every two weeks to the Department of Planning and Building,** which shall include verification that the measures above have been implemented.

Monitoring: BIO-1 is required prior to approval of tract improvement plans. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Worker Awareness Training. Prior to mobilization of any equipment on the project site and installation of project limit fencing/flagging, the qualified Biologist shall conduct an environmental sensitivity training for all Project

personnel during the Project kick-off meeting. The purpose of the training is to educate the personnel on identification of special-status wildlife species that may occur within the Project area and to provide an overview of the avoidance and minimization measures to be adhered to during the Project. Specifically, the training will emphasize on all special-status wildlife species that would be expected to occur within the Project limits, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their associated habitat. Furthermore, crew members will be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction.

Monitoring: BIO-2 is required prior to construction. Compliance will be verified by the County Department of Planning and Building.

- BIO-3. Botanical Restoration Plan. Prior to approval of tract improvement plans,** the applicant shall submit a restoration plan prepared by a qualified biologist for special status plant species (not including oaks, oaks are instead subject to BIO-11 and 12) and submit to the County for review and approval, in consultation with the United States Fish and Wildlife (USFWS), and California Department of Fish and Wildlife (CDFW), if necessary. If any Incidental Take Permits are required, the restoration plan shall be consistent with them. At a minimum, the plan shall include:
- a. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment. Restoration areas shall be located within open space and conservation easements onsite.
 - b. Provide for a native plant salvage and seed collection effort prior to ground disturbing activities. Salvaged plants shall include, but not be limited to, special status plant species that may be affected.
 - c. Updated quantification of impact based on finalized tract improvement plans and quantification of mitigation areas such that the replacement criteria are met.
 - d. A program schedule and success criteria for a minimum five-year monitoring and reporting program that is structured to ensure the success of the restoration plan.
 - e. For in-kind replacement of Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*), individuals that are removed or damaged shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals). **Prior to any removal or impacts (take) to Pismo clarkia,** the applicant shall provide evidence that an Incidental Take Permit (ITP) has been obtained and shall also provide a copy of the Habitat Conservation Plan that accompanies the ITP. Current

- mapped locations (within 2 years of permit issuance) of Pismo clarkia shall be protected by a minimum buffer of 100-feet. No development shall occur within the 100-foot buffer zone. At the time of construction on lots containing Pismo clarkia, protective fencing shall be installed to delineate the 100-foot protective buffer. The fencing shall remain in place until all construction on the Lot is completed and a qualified biologist determines the fence may be removed
- f. For in-kind replacement of paniculate tarplant, individuals that are removed or impacted shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years (inclusive of replacement plantings for unsuccessful individuals).
 - g. Identification of access and methods of materials transport to the restoration area, including personnel, vehicles, tools, plants, irrigation equipment, water, and all other similar supplies. Access shall not result in new or additional impacts to habitat and special-status species.
 - h. Incorporation of an invasive species control program, which would include the following at a minimum:
 - i. To avoid the spread of invasive species, the contractor will stockpile topsoil and redeposit the stockpiled soil on the slopes after construction is complete, or if heavily infested with invasive species, transport the topsoil to a certified landfill for disposal.
 - ii. During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or similar.
 - iii. The restoration planting plans must emphasize the use of native species expected to occur in the area. Project plans must avoid the use of plant species that the Cal-IPC, Cal-EPPC, CDFW, or other resource organizations considers to be invasive or potentially invasive. Prior to issuance of County grading permits, the County shall verify that restoration plans do not include the use of any species considered invasive by the Cal-IPC, Cal-EPPC, or CDFW.

If performance standards detailed in the final restoration plan are not achieved in any restoration area, the applicant shall submit and implement an alternative or adaptive mitigation strategy during the restoration and monitoring phase for approval to the San Luis Obispo County Planning and Building Department, in consultation with other appropriate resource agencies including the United States Fish and Wildlife and/or the California Department of Fish and Wildlife.

BIO-4 Identify Biological Constraints on Plan Sets. All Pismo clarkia and special-status plant occurrences on the Property shall be clearly shown on all plan sets prior to issuance of grading or building permits. Special status plant locations must be less than 2 years old at the time of permit issuance to ensure no new occurrence of state or federally listed species would be impacted. If rare plant mapping is greater than 2 years old, a qualified biologist shall complete a focused rare plant survey according to current agency protocols. A rare plant survey report shall be submitted to the County with an updated map overlay of special status plant locations, development plans, and proposed Open Space Easements.

Monitoring: BIO-3 and BIO-4 are required prior to approval of tract improvement plans. Compliance will be verified by the County Department of Planning and Building.

BIO-5 Special-Status Reptiles. Prior to approval of tract improvement plans but within two weeks prior to site disturbance, a preconstruction survey for legless lizards and coast horned lizards shall be conducted in proposed work areas, as determined by the project biologist.

Within one-hour prior to initial ground disturbance, grading of the top 18-inches of soil, and tree removal activities, preconstruction surveys shall be completed by the biological monitor immediately prior to project grading, excavation, and vegetation removal activities to inspect the work area for any wildlife that may be in the path of heavy equipment.

As part of the preconstruction surveys, in order to avoid potential impacts to sensitive reptiles, leaf litter and sandy areas under shrubs within suitable habitat shall be raked in the areas to be disturbed to a minimum depth of eight inches. In addition to raking, coverboards shall also be used to capture reptiles. Coverboards shall consist of untreated lumber, sheet metal, corrugated steel, or other flat material, at a minimum size of 4 foot by 4 foot. These coverboards shall be placed in suitable habitat areas at minimum **7 days prior to ground disturbing activities** and shall be inspected daily. Captured lizards shall be placed in buckets and relocated to a pre-determined location within the area that will not be disturbed by Project activities. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species (i.e., Blainville's horned lizard, etc.) from the project area.

The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard and/or coast horned lizard ecology and survey methods. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence of legless lizards or coast horned lizards in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required.

BIO-6 Special-Status Bats. Prior to approval of tract improvement plans but within two weeks prior to site disturbance, including removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the biological monitor,

with prior approval from California Department of Fish and Wildlife, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies shall not be disturbed.

BIO-7 **Special-Status Mammals. Prior to approval of tract improvement plans but within two weeks prior to site disturbance,** a preconstruction survey shall be conducted to identify if badgers are using the site. The results of the survey shall be sent to the project manager at the County of San Luis Obispo. If the preconstruction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the Property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1 and February 1 all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the Property during the pre-construction survey, the CDFW wildlife biologist for the area shall be contacted to review current allowable management practices.

BIO-8 **Nesting and Migratory Birds. Prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming)** the County-qualified biologist (BIO-1) shall conduct preconstruction surveys for potential nesting birds within the recognized breeding season (February 1 to August 15) in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. The required survey dates may be modified based on local conditions, as determined by the County-qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish an avoidance buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance

with the approval of the County of San Luis Obispo and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports to the County.

All trees to be removed as part of project-related construction activities will be removed outside of the nesting season to avoid additional impacts to nesting birds. If removal during the nesting season can't be avoided, trees (tree to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted) will be thoroughly surveyed by a County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

Monitoring: BIO-5 through BIO-8 are required prior at various times prior to construction. Compliance will be verified by the County Department of Planning and Building.

BIO-9

Open Space Easement. The project would remove approximately 2 acres of the 15 acres of coast live oak woodland habitat on the project site. The applicant has proposed to place approximately 21.3 acres of the property into open space easements (including the 13 remaining acres of oak woodlands) to mitigate this impact. The open space area would also serve to protect onsite Pismo clarkia populations and any special status species restoration required by the Botanical Restoration Plan (BIO-3). **Prior to recordation of the final map**, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create open space easements on all areas outside of the proposed building envelopes, roadways, and vegetation clearance areas (approximately 21.3 acres). The terms of the open space easement will allow only activities that help the long-term protection of native plant species. No structures, grading, site disturbance, native vegetation removal, mowing, disking, off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities (unless specifically proposed for long term protection of native species) are allowed in the open space easement area.

Fencing may be allowed along the property lines within the open space provided the fencing does not impact oak trees or visually significant vegetation. Fencing shall be limited to six feet in height and shall be horizontally open to allow for wildlife passage (e.g., five strand wire fencing, post and rail, not woven wire or panel fencing). Barbed wire and electric fencing shall not be used.

For the life of the project, the Developer agrees to allow the County, a land conservancy, resource agency, or other appropriate entity, the right to enter the open space are shown on the final exhibit to the open space agreement, to

ensure compliance with the restrictions and to access the oak woodland population. However, prior to entering the open space area, the County, land conservancy, resource agency, or other appropriate entity shall give a 72-hour notice of intent to enter the site.

These provisions for limited open space use shall be added to any CC&Rs developed for the project.

- BIO-10** **Open Space Maintenance. As a part of an additional map sheet of the final tract map, and included as a part of any individual construction permit application, and included in any CC&Rs developed for the project,** the following shall apply to the areas within the open space: no oak trees, or other visually significant vegetation, shall be impacted or removed; no activities (including grazing or the keeping of animals) shall be allowed that could adversely impact the open space area. Grazing for weed and invasive plant control may be allowed with the Botanical Restoration Plan (BIO-3) prepared by a qualified biologist and approved by the County of San Luis Obispo Department of Planning and Building. Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species. All applicable plans shall show open space areas and building envelopes, where all trees outside of the building envelopes shall be protected during all construction activities. Plans shall show how these trees will be protected from any disturbance/ compaction at 1-1/2 times the distance between the trunk and dripline edge (e.g., install sturdy fencing, install retaining walls, etc.).
- Prior to issuance of construction permits,** applicant shall submit a statement from the biological monitor that tree protection measures have been installed. Prior to Final of construction permits, the applicant shall submit report prepared by the Biological Monitor verifying that tree protection measures remained effective during the entire construction phase.
- For the life of the project,** the Home Owner's Association or similar entity shall be responsible for regular maintenance and reporting to the County of San Luis Obispo Department of Planning and Building. Reporting shall be on an annual basis.

Monitoring: BIO-9 and BIO-10 are required with the final map. Compliance will be verified by the County Department of Planning and Building.

- BIO-11** **Oak Tree Protection. Prior to and during ground disturbing activities,** the following tree protection guidelines and root protection zone shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:
- a. All trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible. If activities within the root zone cannot be avoided, the activity within this area will be considered an impact and

shall be mitigated according to BIO-9. Substantial impacts such as grading, trenching where roots are damaged or exposed would be considered a permanent impact and shall be mitigated. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.

- b. Unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
- c. The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the OTRPP measures described above.

BIO-12 Oak Tree Replacement. If any tract improvement or construction activities result in the removal of an oak tree, trimming of 25 percent of its canopy, or encroachment into its critical root zone (critical root zones are typically located within 1.5 times the dripline distance from the tree's trunk) **during construction activities**, the following mitigation shall apply:

- a. Replanting onsite of individual oak trees through replanting, maintaining and monitoring replacement plantings for at least **seven years**. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area) for the mitigation not fulfilled by open space easements.

- b. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be use below ground. Planting during the warmest, driest months (June through September) shall be avoided. A landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the San Luis Obispo County Planning and Building Department.
- c. Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. **Annual monitoring reports shall be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year.**

Monitoring: BIO-11 and BIO-12 are required during construction. Compliance will be verified by the County Department of Planning and Building.

BIO-13 Erosion and Sediment BMPs. The following erosion and sedimentation control BMPs are required to be implemented during vegetation removal, tract improvements, during individual lot construction, and after the construction phases of the project. BMPs shall be listed on all tract improvement plans, building, and grading plans.

- a. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction to occur outside of the rainy season, which is typically defined as October 15 through April 15.

- b. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas.
- c. **Prior to any site disturbance during tract improvements or individual lot construction, a Sediment and Erosion Control Plan shall be prepared by a qualified engineer.** The use of silt fence, straw wattles, erosion control blankets, straw bales, sandbags, fiber rolls, and other appropriate techniques should be employed to protect the drainage features on and off the property. Biotechnical approaches using native vegetation shall be used as feasible. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. All sediment and erosion control measures shall be installed per the engineer's requirements prior to the initiation of site grading if planned to occur within the rainy season.
- d. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.
- e. No vehicles or equipment shall be refueled within 100 feet of wetland areas, riparian habitat and/or drainage features, and refueling areas shall have a spill containment system installed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas shall be located in a location where spills would not drain into aquatic habitats.
- f. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.
- g. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
- h. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.
- i. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sandbags, fiber rolls, and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used as feasible.
- j. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as

detailed above. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix as described in the table below. Native seed mix shall be applied to the graded areas in the creek setback area through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

Native Erosion Control Seed Mix

Species	Application Rate (lbs/acre)
California Brome (<i>Bromus carinatus</i>)	10
purple needlegrass (<i>Stipa pulchra</i>)	5
tomcat clover (<i>Trifolium wildenovii</i>)	5
six weeks fescue (<i>Vulpia microstachys</i>)	5
Total	25

Monitoring: BIO-13 is required prior to approval of tract improvement plans or individual lot grading or construction permits. Compliance will be verified by the County Department of Planning and Building.

Geology / Soils (GEO)

- GEO-1** **At time of application for subdivision improvement plans or grading permits,** the applicant shall retain a County-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan (Plan, PMTP), and submit the Plan to the County for review and approval. The Plan shall be based on 'Society of Vertebrate Paleontology (SVP) guidelines' and meet all regulatory requirements. The County-approved paleontologist shall: a) have a Master's Degree or Ph.D. in paleontology, b) shall have knowledge of the local paleontology, and c) shall be familiar with paleontological procedures and techniques. The Plan shall:
- a. identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;
 - b. detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential;
 - c. detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;
 - d. outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to

high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.

- e. define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

GEO-2 **Prior to approval of subdivision improvement plans and any ground-disturbing activities**, based on the Mitigation Measure GEO-1, the Applicant shall conduct monitoring by a County-approved paleontological monitor as specified in the approved PMTP. This shall include monitoring during rough grading and trenching in areas determined to have moderate to high paleontological sensitivity and which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored by a County-approved paleontological monitor on a part-time basis as determined in the PMTP.

The Qualified Monitor shall verify they have a B.A. in Geology or Paleontology and a minimum of one year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined in the PMTP.

Compliance/Monitoring shall adhere to and be consistent with the PMTP.

Monitoring: GEO-1 and GEO-2 are required with tract improvement plans and grading permits. Compliance will be verified by the County Department of Planning and Building.

GEO-3 **During proposed and future ground-disturbing activities**, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved PMTP. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

Monitoring: GEO-3 is required with construction or grading permits. Compliance will be verified by the County Department of Planning and Building.

Utilities and Service Systems (USS)

USS-1 **Water Conservation – Education Program.** To reduce water usage, **prior to approval of subdivision improvement plans/recordation of the final map**, the Applicant shall develop and implement a Water Conservation Education Program (WCEP) for all project-related personnel, including residents and commercial

operators/employees. The WCEP shall be prepared by an individual knowledgeable on current conservation methods for interior and exterior water usage as it relates all project development, as well as any applicable County regulations and existing building codes on conserving water. The Program shall focus on a) all consumer-controlled water uses (e.g. landscaping, washing {e.g. dishes, clothes}, showers, etc.); b) project design elements that would make water conservation easier to implement; and c) the creation of 'good practices' user documents for daily use and during drought conditions; furthermore the WCEP shall describe the most effective means to best disseminate this information to target audience(s) on an ongoing basis.

Prior to approval of subdivision improvement plans, the Applicant shall submit for County review and approval the Water Conservation Education Program (WCEP), which will include 'good practices' user documents for each project element. Once approved by the County, any recommendations for project design changes shall be incorporated into all applicable construction drawings.

Prior to and/or during construction/ improvements, as applicable, all program-approved water conservation construction practices shall be administered. **Prior to final inspection/ occupancy of individual lot construction permits**, the County will verify installation of any WCEP-approved design features. Furthermore, the Applicant shall verify that the 'good practices' user documents are complete and are made available to the end users.

Monitoring: USS-1 is required with subdivision improvement plans and during construction. Compliance will be verified by the County Department of Planning and Building and the County Department of Public Works.

USS-2

Water Conservation - Limit Turf Planting. To limit water usage, the Applicant shall limit the use of turf for landscaping and maximize turf maintenance elements that reduce water consumption. Turf shall be limited to no more than 100 square-feet per single-family residence, and no more than 500 square-feet total in common areas. The following measures shall be shown on applicable construction drawings and applied to the proposed turf areas:

- a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes Bermuda grass) such as buffalo grass, shall be used;
- b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction, and accumulation of thatch;
- c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently; length of time and delivery rate shall be monitored to avoid runoff to surrounding areas.

Prior to issuance of construction permits for individual lots, the Applicant shall show these measures on all applicable construction drawings and landscape plans. Prior to final inspection/occupancy of individual lot construction permits, the County will verify installation of any approved irrigation design features.

Furthermore, the Applicant shall verify that the approved irrigation system parameters meet the intent of this measure and have been tested by a qualified expert. The Applicant understands that the approved irrigation system and water scheduling will be kept in good working condition as long as the turf remains.

USS-3 Water Conservation – Landscaping. To reduce water use, the applicants of individual residences that install landscaping shall install landscaping that will have low-water requirements and be drought-tolerant. **At the time of application for construction permits,** the applicant shall provide, at a minimum, a landscape plan that includes the following:

- a. all common area and individual residential irrigation shall employ low water use techniques (e.g., drip irrigation);
- b. individual residential turf shall not exceed 20 percent of landscaped area, or 100-square-feet, whichever is less, with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.).

Monitoring: USS-2 and USS-3 are required with construction permits for individual lots. Compliance will be verified by the County Department of Planning and the County Department of Public Works.

USS-4 Water Conservation – Drought Water Management Program. To reduce water consumption during droughts, a master “Drought Water Management Program” (Program) shall be prepared and implemented by the Applicant, **prior to recordation of the final map.** The Program shall provide guidelines on how all future uses will be managed during “severe” drought (including landscaping and indoor uses). These measures would go into effect during periods of “severe” drought, as defined in the Program. This Program shall include, but is not necessarily limited to the following, or other similar measures as approved by the County:

- a. the definition of a “severe” drought year (as defined by NOAA’s Palmer Drought Severity method or other similarly recognized methodology);
- b. identification of general measures available to reduce indoor water usage for future development (to be refined as needed for each use approved);
- c. identification of specific measures to be applied for landscape watering;
- d. determination of appropriate early triggers to determine when “severe” drought conditions exist and process for initiating additional water conservation measures for tract and future development.

Once it is determined that a “severe” drought condition exists, the Program’s approved restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the “severe” drought condition no longer exists.

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Prior to recordation of the final map, the Applicant shall submit for County review and approval the Drought Water Management Program (DWMP), which will include water reduction guidelines for each project element. Once approved by the County, any recommendations for project design changes shall be incorporated into all applicable construction drawings. **Prior to and/or during construction**, as applicable, all Program-approved water reducing construction practices shall be administered. **Prior to final inspection/occupancy of individual lot construction permits**, the County will verify installation of any DWMP-approved design features. Furthermore, the Applicant shall verify that the 'water reduction guidelines during drought conditions are complete and are made available to the end users. Furthermore, the Applicant understands that the approved Program will be administered for the life of the project.

Monitoring: USS-4 is required with subdivision improvement plans and during construction. Compliance will be verified by the County Department of Planning and the County Department of Public Works.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Applicant

Mark Crisp

Name (Print)

11-17-22

Date